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Hirsch 1/14
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Bart 1/14
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Tucker 1/14
Ward 1/14
Armen 1/14
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Kolman 1/14
Stern 1/14
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Lieberman 1/14
Lev-Ari 1/14
Krebs 1/14

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John A. Vogel, D.D.S.

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• 3D S. help
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• 3Z X. help

February 9, 2005

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Commissioner for Patents
PO Box 1450
Alexandria, VA 22313-1450

Mail Stop: Amendment

Re: U.S. Utility Patent Application
Appl. No. 09/517,466; Filed: March 2, 2000
For: **Compositions and Methods for Use In Recombinational Cloning of
Nucleic Acids**
Inventor: HARTLEY *et al.*
Our Ref: 0942.4680003/BJD/JKM

Sir:

Transmitted herewith for appropriate action are the following documents:

1. Ninth Supplemental Information Disclosure Statement;
2. List of cited references on Form PTO-1449 (3 sheets);
3. Copies of references **AL23**, **AS214**, **AT214** and **AS216** listed on Form PTO-1449 (4 documents); and
4. One (1) return postcard.

It is respectfully requested that the attached postcard be stamped with the date of filing of these documents, and that it be returned to our courier. In the event that extensions of time are necessary to prevent abandonment of this patent application, then such extensions of time are hereby petitioned.

Commissioner for Patents
February 9, 2005
Page 2

The U.S. Patent and Trademark Office is hereby authorized to charge any fee deficiency, or credit any overpayment, to our Deposit Account No. 19-0036.

Respectfully submitted,

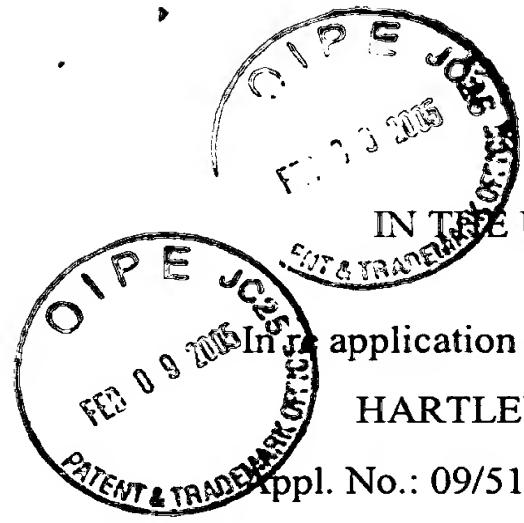
STERNE, KESSLER, GOLDSTEIN & FOX P.L.L.C.



Jeffrey K. Mills
Agent for Applicants
Registration No. 56,413

RWE/BJD/JKM:bac
Enclosures

362885_1.DOC



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

application of:

HARTLEY *et al.*

Appl. No.: 09/517,466

Filed: March 2, 2000

For: **Compositions and Methods for
Use in Recombinational
Cloning of Nucleic Acids**

Confirmation No.: 4289

Art Unit: 1634

Examiner: Johannsen, D.

Atty. Docket: 0942.4680003/RWE/BJD/JKM

Ninth Supplemental Information Disclosure Statement

Commissioner for Patents
PO Box 1450
Alexandria, VA 22313-1450
Sir:

Listed on accompanying Form PTO-1449 are documents that may be considered material to the examination of this application, in compliance with the duty of disclosure requirements of 37 C.F.R. §§ 1.56, 1.97 and 1.98.

The numbering on this Ninth Supplemental Information Disclosure Statement is a continuation of the numbering in Applicants' Eighth Supplemental Information Disclosure Statement filed January 21, 2005, in connection with the above-captioned application.

Copies of documents **AH20-AK20** and **AA21-AG21** are not provided in accordance with the Changes To Support Implementation of the United States Patent and Trademark Office 21st Century Strategic Plan, effective October 21, 2004, which states "section 1.98(a)(2)(i) is amended to eliminate the requirement in paragraph (a)(2)(i) for a copy of each U.S. patent or U.S. patent application publication listed in an IDS in a patent application regardless of the filing date of the application."

Copies of documents **AR215-AT215** and **AR216** are not provided in accordance with the U.S. Patent and Trademark Office OG notice of October 19, 2004, which states: "the requirement in 37 C.F.R. § 1.98(a)(2)(iii) for a legible copy of the specification, including the claims, and drawings

of each cited pending U.S. patent application (or portion of the application which caused it to be listed) is *sua sponte* waived where the cited pending application is stored in the USPTO's IFW system.” A copy of each other document is provided.

The Examiner's attention is directed to the following co-pending U.S. Patent Applications, which are directed to related technical subject matter:

U.S. Patent Application No. 10/877,952, Welch *et al.*, filed July 28, 2004 and cited herewith as document **AR215**;

U.S. Patent Application No. 10/913,501, Chesnut *et al.*, filed August 9, 2004 and cited herewith as document **AS215**;

U.S. Patent Application No. 10/970,635, Hanson, filed October 22, 2004 and cited herewith as document **AT215**; and

U.S. Patent Application No. 11/000,371, Chesnut *et al.*, filed December 1, 2004 and cited herewith as document **AR216**.

The identification of these U.S. Patent Applications is not to be construed as a waiver of secrecy as to these applications now or upon issuance of the present application as a patent. The Examiner is respectfully requested to consider the cited applications and the art cited therein during examination.

Where the publication date of a listed document does not provide a month of publication, the year of publication of the listed document is sufficiently earlier than the effective U.S. filing date and any foreign priority date so that the month of publication is not in issue. Applicants have listed publication dates on the attached Form PTO-1449 based on information presently available to the undersigned. However, the listed publication dates should not be construed as an admission that the information was actually published on the date indicated.

HARTLEY *et al.*
Appl. No. 09/517,466

Applicants reserve the right to establish the patentability of the claimed invention over any of the information provided herewith, and/or to prove that this information may not be prior art, and/or to prove that this information may not be enabling for the teachings purportedly offered.

This statement should not be construed as a representation that a search has been made, or that information more material to the examination of the present patent application does not exist. The Examiner is specifically requested not to rely solely on the material submitted herewith.

This Information Disclosure Statement is being filed before the mailing of a first Office Action after the filing of a Request for Continued Examination under 37 C.F.R. § 1.114. No statement or fee is required.

It is respectfully requested that the Examiner initial and return a copy of the enclosed Form PTO-1449, and indicate in the official file wrapper of this patent application that the documents have been considered.

The U.S. Patent and Trademark Office is hereby authorized to charge any fee deficiency, or credit any overpayment, to our Deposit Account No. 19-0036.

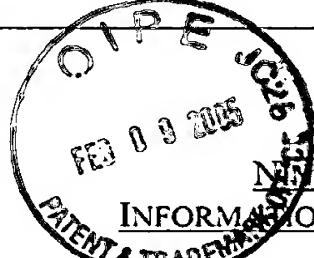
Respectfully submitted,

STERNE, KESSLER, GOLDSTEIN & FOX P.L.L.C.



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360361_1.DOC

 FORM PTO-1449 NINTH SUPPLEMENTAL INFORMATION DISCLOSURE STATEMENT PATENT & TRADEMARK OFFICE	ATTY. DOCKET NO. 0942.4680003/RWE/BJD/JKM		APPLICATION NO. 09/517,466
	APPLICANT(S) Hartley <i>et al.</i>		
	FILING DATE March 2, 2000	ART UNIT 1634	

U.S. PATENT DOCUMENTS

EXAMINER INITIAL		DOCUMENT NUMBER	DATE	NAME	CLASS	SUB-CLASS	FILING DATE
	AA						
	AB						
	AC						
	AD						
	AE						
	AF						
	AG						
	AH20	6,040,138	03/21/2000	Lockhart <i>et al.</i>			09/15/1995
	AI20	6,303,301	10/16/2001	Mack			05/29/1998
	AJ20	6,309,822	10/30/2001	Fodor <i>et al.</i>			12/23/1996
	AK20	6,333,155	12/25/2001	Lockhart <i>et al.</i>			12/18/1998

FOREIGN PATENT DOCUMENTS

EXAMINER INITIAL		DOCUMENT NUMBER	DATE	COUNTRY	CLASS	SUB-CLASS	TRANSLATION
	AL23	WO 01/68836	09/20/2001	WIPO			Yes No
	AM						Yes No
	AN						Yes No
	AO						Yes No
	AP						Yes No

OTHER (Including Author, Title, Date, Pertinent Pages, etc.)

	AR		
	AS	<u>214</u>	Baum, J.A., "Tn5401, a New Class II Transposable Element From <i>Bacillus thuringiensis</i> ," <i>J. Bacteriol.</i> 176:2835-2845, American Society for Microbiology (1994)
	AT	<u>214</u>	Office Action for U.S. Patent Application No. 10/796,868, mailed on January 25, 2005

EXAMINER	DATE CONSIDERED
EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to Applicant.	

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**NINTH SUPPLEMENTAL
INFORMATION DISCLOSURE STATEMENT**

U.S. PATENT DOCUMENTS

EXAMINER INITIAL		DOCUMENT NUMBER	DATE	NAME	CLASS	SUB-CLASS	FILING DATE
	AA21	2002/0162126	10/31/2002	Beach <i>et al.</i>			05/24/2001
	AB21	6,544,790	04/08/2003	Sabatini			09/18/2000
	AC21	2003/0135888	07/17/2003	Zhu <i>et al.</i>			09/26/2002
	AD21	2003/0175772	09/18/2003	Wang			12/26/2002
	AE21	2004/0229229	11/18/2004	Cheo <i>et al.</i>			08/14/2003
	AF21	2004/0265863	12/30/2004	Chesnut <i>et al.</i>			03/04/2004
	AG21	2005/0009091	01/13/2005	Hartley <i>et al.</i>			08/19/2004
	AH						
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	AK						

FOREIGN PATENT DOCUMENTS

EXAMINER INITIAL		DOCUMENT NUMBER	DATE	COUNTRY	CLASS	SUB-CLASS	TRANSLATION
	AL						Yes No
	AM						Yes No
	AN						Yes No
	AO						Yes No
	AP						Yes No

OTHER (Including Author, Title, Date, Pertinent Pages, etc.)

	AR	<u>215</u>	U.S. Patent Application No. 10/877,952, Welch <i>et al.</i> , filed July 28, 2004 (NOT PUBLISHED)
	AS	<u>215</u>	U.S. Patent Application No. 10/913,501, Chesnut <i>et al.</i> , filed August 9, 2004 (NOT PUBLISHED)
	AT	<u>215</u>	U.S. Patent Application No. 10/970,635, Hanson, filed October 22, 2004 (NOT PUBLISHED)

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INFORMATION DISCLOSURE STATEMENT

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	AA						
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FOREIGN PATENT DOCUMENTS

EXAMINER INITIAL		DOCUMENT NUMBER	DATE	COUNTRY	CLASS	SUB-CLASS	TRANSLATION
	AL						Yes No
	AM						Yes No
	AN						Yes No
	AO						Yes No
	AP						Yes No

OTHER (Including Author, Title, Date, Pertinent Pages, etc.)

	AR	216	U.S. Patent Application No. 11/000,371, Chesnut <i>et al.</i> , filed December 1, 2004 (NOT PUBLISHED)
	AS	216	Short, J.M. <i>et al.</i> , "λ ZAP: a bacteriophage λ expression vector with <i>in vivo</i> excision properties," <i>Nucleic Acids Research</i> 16:7583-7600, IRL Press Limited (1988)
	AT		

EXAMINER	DATE CONSIDERED

EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to Applicant.